IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY FOURTH DAY OF JUNE
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE GHULAM MOHAMMED

-

WRIT PETITION NO : 7521 of 1994

Between:

Smt.Bismillah Bee W/o late Shamshuddin Patel
Aurannga Nagar Zaheerabad Mandal
Medak Dist

..... PETITIONER

AND

1 District Collector Medak at Sangareddy
2 The Executive Engineer PWD, IB.Division, Medak

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to to issue a writ of mandamus or any other appropriate writ or order or direction declaring the action of the respondents in constructing the village tank in the petitioners patta land without acquiring the same under the Land Acquisition Act is illegal, arbitrary and unconstitutional and consequently direct the 1st respondent to initiate the land acquisition proceedings in respect of the land bearing Sy.No.45, admeasuring 11.09 guntas situated at Aurangabad Village, Zaheerabad Mandal, Medak District pending disposal of the writ petition and pass such other order or orders.

Counsel for the Petitioner:MR. K. Raji Reddy, Advocate

Counsel for the Respondents : GP for Irrigation

The Court made the following :

ORDER: (GM,J)

This writ petition is filed seeking to issue a writ of Mandamus declaring the action of the respondents in constructing the village taken in the petitioner's patta land without acquiring the same under the Land Acquisition Act as being illegal, arbitrary and unconstitutional and consequently direct the 1st respondent to initiate the Land Acquisition proceedings in respect of the land bearing Sy No.45, admeasuring 11.09 guntas situated at Aurangabad Village, Zaheerabad Mandal, Medak District, (for short, 'the land').

Heard the learned counsel for the petitioner and the learned Government Pleader for Irrigation.

The case of the petitioner is that she is the absolute owner and

possessor of the land and there are no adverse claims from anybody on the land. It is further her case that in the year 1979, the 2nd respondent authorities have constructed a tank on the patta land of the petitioner and as result of which the entire land has been submerged under the tank and she is not deriving any income from out of the said land since 1979. The petitioner further states that she made representations to the respondents for initiation of Land Acquisition proceedings under the Land Acquisition Act and for payment of compensation for the land submerged under the tank constructed by the 2nd respondent.

The grievance of the petitioner is that till today the respondents neither initiated the Land Acquisition proceedings nor paid any compensation.

A counter affidavit is filed by the 2nd respondent, inter alia, stating the land has come under submergence on account of village tank's restoration. It is also stated that the 2nd respondent has received information from the Revenue department that the land of the petitioner has come under submergence and as such, the 2nd respondent has forwarded proposals to the Revenue Divisional Officer, Sangareddy, for acquisition of the land vide proposal dated Lr.No.DB/HD-I/803/5, dated 6-8-1994, and action is being taken in this regard.

In view of these averments made in the counter affidavit, and inasmuch as the proposal for acquisition of the land was forwarded

as long back as in 1994, to meet the ends of justice, the 1st respondent is directed to initiate Land Acquisition proceedings, in respect of the land, within a period of four months from the date of receipt of a copy of this order and take consequential steps in accordance with the Land Acquisition Act.

With the above directions, the writ petition is disposed of. No costs.

Nrg. 24-6-2004.

ASST. REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. District Collector Medak at Sangareddy
2. The Executive Engineer PWD, IB.Division, Medak
3. 2CCs to the GP for Irrigation, APHC (O.U.T.)
4. 2CD copies